

**CITY OF MILPITAS**  
**Summary of Contents**  
**Milpitas City Council Meeting**  
**January 4, 2005**  
**6:00 p.m. Closed Session**  
**7:00 p.m. Public Business**  
**455 E. Calaveras Boulevard**

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**I. ROLL CALL (6:00 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

- 1. Conference with Labor Negotiators**  
(Pursuant to Government Code Section 54957.6)  
Agency Designated Representatives: Steve Mattas and Cherie Rosenquist  
Employee Organization: Milpitas Employee Association
- 2. Conference with Legal Counsel - Existing Litigation**  
(Pursuant to Government Code Section 54956.9(a))  
Name of Case: Palmer v. City of Milpitas WCAB SFO 195446, 0426361, 0467998
- 3. Conference with Real Property Negotiators**  
(Pursuant to Government Code Section 54956.8)  
Properties: Calvary Assembly of God - APN Nos. 092-37-044,045, and 046  
Pak - APN No. 092-37-032  
Agency Negotiators: Mike McNeely and Greg Armendariz  
Negotiating Parties: City of Milpitas, Calvary Assembly of God, and Pak  
Under Negotiation: Terms and conditions for acquisition of property
- 4. Public Employee Appointment/Public Employment**  
(Pursuant to Government Code Section 54957)  
Title: City Manager

**III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present**

**IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

**V. APPROVAL OF MINUTES: December 14, 2004**

**VI. SCHEDULE OF MEETINGS**

**VII. PRESENTATIONS**

**Certificate of Appointment:**

- Kathryn Manento, Senior Advisory Commission, Alternate #2

**Proclamation:**

- Volunteer Blood Donor Month, January 2005

## **VIII. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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## **IX. ANNOUNCEMENTS**

## **X. ANNOUNCEMENT OF CONFLICT OF INTEREST**

## **XI. MOMENTS OF REFLECTION**

## **XII. APPROVAL OF AGENDA**

## **XIII. CONSENT CALENDAR (Items with Asterisks)**

## **XIV. PUBLIC HEARINGS**

- 1. Weed Abatement Hearing and Adoption of Resolution Ordering Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

## **XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes: December 14, 2004**

**RA4. Approval of Agenda and Consent Calendar**

**\*RA5. Approval of Purchase and Sale Agreement between the City of Milpitas Redevelopment Agency and the Barton P. and Kathleen A. Simmons Revocable Inter Vivos Trust in the amount of \$1,979,775.00 for property located within Project Area No. 1 Redevelopment Project Area (Assessor's Parcel No. 022-08-003) (Staff Contact: Steve Mattas, City Attorney)**

**RA6. Agency Adjournment**

## **XVI. REPORTS OF OFFICERS AND BOARDS**

### **City Council**

- 2. Consideration of Assistance to the Milpitas Chamber of Commerce: Mayor Esteves**
- 3. Discussion and Action Related to Adoption of an Open Government Ordinance: Vice Mayor Gomez**
- 4. Consideration of Recommendations of City Council Subcommittee Regarding Appointments to City Commission Liaisons, City Council Subcommittees and City Council Outside Agencies Representatives; Potential Appointments Related Thereto, Consideration of Direction to Staff to Modify City Council Handbook to Reflect Role of City Council Appointments Subcommittee and Report on Process for Providing Notice of Commission Vacancies: Vice Mayor Gomez and Councilmember Giordano**

**XVII. UNFINISHED BUSINESS**

- \* 5. Odor Control Comprehensive Action Plan Update (Staff Contact: Darryl Wong, 586-3345)

**XVIII. NEW BUSINESS**

- \* 6. Approve 2005 Commissioner's Recognition Date/Gift/Location Selection (Staff Contact: Bonnie Greiner, 586-3227)
- \* 7. Approve Fee Waiver and In-Kind Donation of Equipment, Supplies and Staffing from Various City Departments for the 2005 Relay for Life Event at the Milpitas Sports Center June 24-25, 2005 (Staff Contact: Kerrilyn Ely 586-3231)
- \* 8. Approve Submittal of a Grant Application to the Metropolitan Transportation Commission for the Regional Signal Retiming Program, 2005 Cycle (Staff Contact: Jaime Rodriguez, 586-3335)

**XIX. ORDINANCES (None)**

**XX. RESOLUTIONS**

- 9. Adopt Resolution to Certify the Environmental Impact Report North Main Street Development Projects (Staff Contact: Dennis Carrington, 586-3275)

**XXI. BIDS AND CONTRACTS**

- \* 10. Approve Contract Amendment For Allied-Barton Security Services, Inc. (Staff Contact: Eddie Loreda, 586-2662)
- \* 11. Approve Contract Amendment For Diversified Maintenance Services, Inc. (Staff Contact: Chris Schroeder, 586-3161)
- \* 12. Approve Plans and Specification and Authorize Advertising for Bid Proposals: Library Off-Site Utility Improvements (Project No. 8153) (Staff Contact: Steve Erickson, 586-3414)
- \* 13. Approve Contract Change Order: Main Sewage Pump Station Demolition (Project No. 6079) (Staff Contact: Steve Erickson, 586-3414)
- \* 14. Approve Amendment Agreement: RBF Consulting (Project No. 8149) (Staff Contact: Greg Armendariz, 586-3401)

**XXII. CLAIMS AND DEMANDS (None)**

**XXIII. ADJOURNMENT TO 6:00 P.M., JANUARY 11, 2005, FOR PLANNING COMMISSION INTERVIEWS**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, JANUARY 18, 2005, AT 7:00 P.M.**

**CITY OF MILPITAS  
Agenda Reports  
Milpitas City Council Meeting  
January 4, 2005  
6:00 p.m. Closed Session  
7:00 p.m. Public Business  
455 E. Calaveras Boulevard**

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**XIV. PUBLIC HEARINGS**

- 1. Weed Abatement Hearing and Adoption of Resolution Ordering Abatement Program (Staff Contact: Albert Zamora, 586-3371)**

**Background:** At its meeting of December 7, 2004, the Council adopted Resolution No. 7488 declaring weeds on certain described properties to be a public nuisance and setting a public hearing for January 4, 2005. A copy of Resolution No. 7488 was forwarded to the Santa Clara County Fire Marshal. A notice of public hearing was subsequently published and property owners were mailed a notice of the proposed abatement by the Santa Clara County Fire Marshal. The purpose of the public hearing is for property owners who object to the removal of the weeds to state their objections before the weeds are removed and the costs made a lien upon the property. A list of properties to be abated is included in the Council's agenda packet along with a resolution directing the County Fire Marshal to abate the weeds.

**Recommendation:**

1. Close the public hearing.
2. Adopt resolution ordering the County Fire Marshal to abate the nuisance, keep an account of the cost, and embody such account in a report and assessment list to the City Council in accordance with the Milpitas Municipal Code.

**XV. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes: December 14, 2004**

**RA4. Approval of Agenda and Consent Calendar**

- \*RA5. Approval of Purchase and Sale Agreement between the City of Milpitas Redevelopment Agency and the Barton P. and Kathleen A. Simmons Revocable Inter Vivos Trust in the amount of \$1,979,775.00 for property located within Project Area No. 1 Redevelopment Project Area (Assessor's Parcel No. 022-08-003) (Staff Contact: Steve Mattas, City Attorney)**

**Background:** The Redevelopment Agency has been in negotiations to purchase the vacant real property owned by the Barton P. and Kathleen A. Simmons Revocable Inter Vivos Trust located on North Main Street, further described as Assessor's Parcel No. 022-08-003, and more commonly known as the Cardoza property. The property is bounded by Calaveras Boulevard, North Main Street and the off ramp to Main Street from Calaveras Boulevard. This property is within Project Area No. 1. The Redevelopment Agency, pursuant to its authority granted under California Community Redevelopment Law (California Health and Safety Code §39000 et seq.), has the responsibility to carry out the Redevelopment Plan for the Project Area No. 1 Redevelopment Project Area. This proposed purchase is consistent with and furthers the goals and objectives of the Redevelopment Plan. The property would be used for a parking structure, retail uses and a possible community meeting room above the parking structure. The final use of the property will be subject to review by the City Council/Redevelopment Agency.

The purchase price is \$1,979,775. The Purchase Price, less the amount of the Earnest Money Deposit (\$5,000) and any interest will be paid by the Redevelopment Agency at the close of escrow in accordance with the terms of the Purchase and Sale Agreement.

**Recommendation:**

1. Motion to adopt Resolution Certifying Final EIR, adopt the findings related thereto and the Mitigation and Monitoring Plan, and the Statement of Overriding Considerations all as set forth in Agenda Item No. 8 of the City Council Agenda
2. Motion to approve Purchase and Sale Agreement between Milpitas Redevelopment Agency and Barton P. and Kathleen A. Simmons Revocable Inter Vivos Trust in the amount of \$1,979,775 for property identified as Assessor's Parcel No. 022-08-003, subject to approval as to form by the Agency Counsel and authorize Chairperson to sign the Agreement and the Certificate of Acceptance on behalf of the Agency and to authorize the Agency Counsel to prepare and submit escrow instructions consistent with the terms of the agreement.

**RA6. Agency Adjournment**

**XVI. REPORTS OF OFFICERS AND BOARDS**

**City Council**

**2. Consideration of Assistance to the Milpitas Chamber of Commerce: Mayor Esteves**

**Background:** This item was continued from the December 21, 2004, Council meeting so that the City Attorney could provide information to the Council regarding the potential for a conflict of interest for Councilmembers who are also members of the Chamber and/or members of the Chamber's Board of Directors. The item was placed on the December 21, 2004, agenda by Mayor Esteves for consideration of assistance to the Milpitas Chamber of Commerce when its lease for office space expires.

**Recommendation:** Consider the Mayor's request.

**3. Discussions and Action Related to Adoption of an Open Government Ordinance: Vice Mayor Gomez**

**Background:** Vice Mayor Gomez has proposed an open government ordinance for the Council's review and discussion. If the Council desires to proceed with implementation of the ordinance, direction should be provided to the City Attorney to incorporate any Council comments and to bring the ordinance back for introduction and adoption.

**Recommendation:** Consider the ordinance and direct the City Attorney accordingly.

**4. Consideration of Recommendations of City Council Subcommittee Regarding Appointments to City Commission Liaisons, City Council Subcommittees and City Council Outside Agencies Representatives; Potential Appointments Related Thereto, Consideration of Direction to Staff to Modify City Council Handbook to Reflect Role of City Council Appointments Subcommittee and Report on Process for Providing Notice of Commission Vacancies: Vice Mayor Gomez and Councilmember Giordano**

**Background:** At the December 7, 2004, City Council meeting, the City Council, by majority vote, approved a City Council Subcommittee (Vice-Mayor Gomez and Councilmember Livengood) to make recommendations for appointments to City Council Liaison positions, City Council Subcommittees and City Council Regional Agency positions. The City Council also requested that staff advise the City Council of the process for advertising vacancies for City Boards and Commissions. The City Council also sought additional input from the City Attorney's office regarding the relevant state law provisions that apply to the process for making appointments when the City has a directly-elected Mayor. Since December 7, the City Council has received a memorandum regarding the relevant state provisions. The Subcommittee will meet prior to the City Council meeting on January 4 and will make their recommendations at the City Council meeting.

On December 17, 2004, the City Clerk provided the City Council with a memorandum regarding the process the City uses to notify the community of Commission vacancies. A copy of that memorandum is provided as an attachment to this agenda item. The City Council may desire to identify additional actions that the City Council would like staff to undertake when vacancies exist.

The City Council Handbook does not currently include reference to a role for the City Council Appointment Subcommittee in the appointment process for City Council liaisons positions, City Council Committee Appointments, City Council Regional Agency appointments or appointments to City Commissions. The City Council may desire to direct the City Attorney to prepare an amendment to the City Council Handbook to incorporate the role of the Subcommittee in the appointment process.

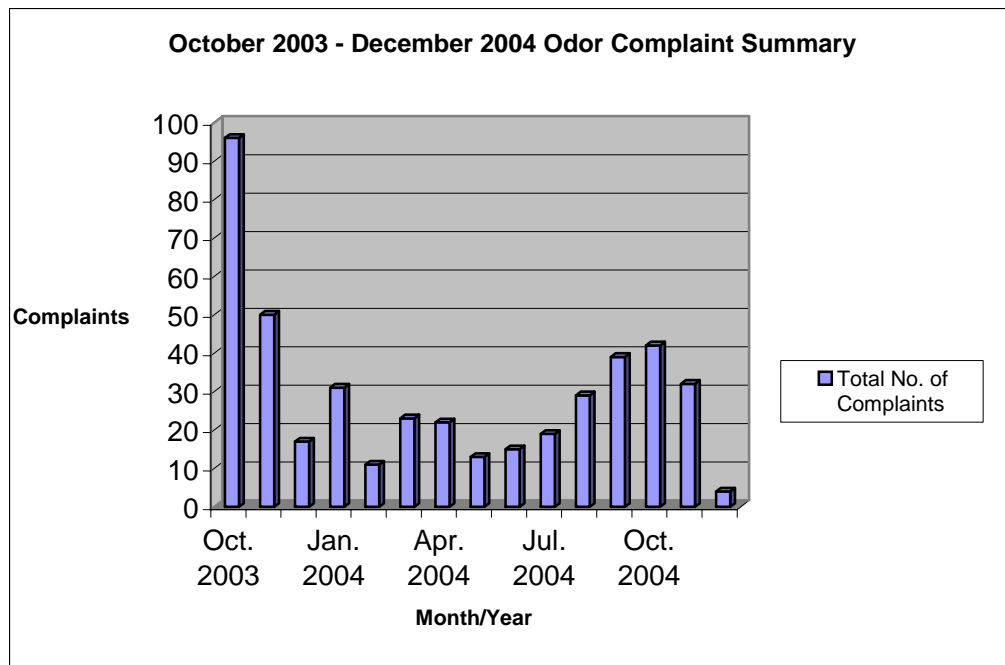
**Recommendation:**

1. Consider recommendations of City Council Subcommittee and Mayor as appropriate.
2. Consider appointments to City Council Liaison positions, City Council Committees and City Council Outside Agency Representatives.
3. Consider providing direction to staff to revise City Council Handbook to reflect role of City Council Subcommittee in making recommendations for appointments to City Council Liaison, City Council Committees and City Council Outside Agency Representatives.
4. Receive report regarding notice of Commission vacancies and provide direction as to any additional desired notice.

**XVII. UNFINISHED BUSINESS**

**\* 5. Odor Control Comprehensive Action Plan Update (Staff Contact: Darryl Wong, 586-3345)**

**Background:** Cooler weather patterns have resulted in low odor complaint levels for December. The sludge transfer operation from the San Jose/Santa Clara Water Pollution Control Plant to the landfill at BFI was completed in November, which also contributed to the decrease. The Bay Area Air Quality Management District has reported the following number of complaints logged as of December 28:



**Recommendation:** Note receipt and file progress report

## **XVIII. NEW BUSINESS**

- \* **6. Approve 2005 Commissioner's Recognition Date/Gift/Location Selection (Staff Contact: Bonnie Greiner, 586-3227)**

**Background:** The City of Milpitas hosts the annual Commissioner's Recognition Dinner to acknowledge City Commissioners' community service for the previous year.

To help determine how Commissioners would like to be recognized for their 2004 service, surveys were distributed during their November 2004 meeting. The surveys included questions as to their preference for, the type of dinner, (BBQ Buffet, Sit Down or Appetizer Social) and Commissioner gift options, (a gift for themselves, use the monies towards a new piece of Public Art, assist the Recreation Assistance Program (RAP), or Special Event). A total of \$15,000 is budgeted for this event to include meals, gift, invitations, certificates/certificate holders and other necessary supplies. Being that April is the nationally recognized Month of the Volunteer, staff is planning to have the Commissioners' Dinner in April 2005 to coincide. The 2004-2005 Fiscal budget has already been expended on the 2004 Commissioner's Recognition Dinner, held on July 23, 2004. To compensate for the difference, residual monies from the 50<sup>th</sup> Anniversary budget would be used to cover the cost of the 2005 Annual Commissioner's Recognition Dinner.

The Commissioners' first choice was for the option of a Sit Down dinner and to donate Commissioner Gift monies to the Recreation Assistance Program (RAP). Due to the large number of Commissioners, and guests invited, only two locations within Milpitas are able to accommodate this large of crowd, the Embassy Suites Hotel and the Milpitas Community Center Auditorium.

### **Embassy Suites, Milpitas**

**\$9,715 - \$12,730**

(Quote range based on menu options per/head rate: includes chicken, meat and veggie, side dishes, dessert, beverages, table service, equipment, lines, etc.)

### **Milpitas Community Center - Caterers (Misc.)**

**\$11,793 - \$13,283**

(Quote range based on quotes from various catering companies: includes chicken meat and veggie meal, side dishes, dessert, and beverages. All quotes did not include table service, linens, which would be an extra cost to the City.)

Total event budget is projected as follows:

Food/Venue	\$11,500	
Gift to RAP	\$1,500	
Misc. (Certificates, Certificate holder)	\$2,000	= \$15,000

**Recommendation:** Per the Commissioners' selections, staff is recommending the following:

1. To hold a sit down dinner at the Embassy Suites, Milpitas on April 20, 2005, to coincide with the nationally recognized Month of the Volunteer.
2. To donate the budgeted \$1,500.00 to the Recreation Assistant Program (RAP).
3. Due to the new date of this event, to use monies already appropriated in the 50<sup>th</sup> Anniversary budget for this year's Recognition Event.

- \* 7. **Approve Fee Waiver and In-Kind Donation of Equipment, Supplies and Staffing from Various City Departments for the 2005 Relay for Life Event at the Milpitas Sports Center June 24-25, 2005 (Staff Contact: Kerrilyn Ely 586-3231)**

**Background:** For the past five years the American Cancer Society with the volunteer support of numerous Milpitas community members and businesses has hosted the annual Relay for Life fundraising event at the Milpitas Sports Center.

The City of Milpitas has a long history of supporting this annual event with services, staff support and equipment on varying levels. The Relay for Life representative has prepared a complete list of requested items for fee waiver or donation for the City Council to consider for approval.

Relay for Life is requesting that City Council approve the waiver or donation of the following. Staff has provided estimated departmental costs associated with each requested item:

**Recreation Services**

Use of Football Field - June 24 to June 25	\$1,110.00
\$150.00 deposit	
\$960.00 rental fees (48 hours @ \$20.00 per hour)	
Use of white event fencing for Kids Camp area	\$ no cost
Volunteer's pickup, set-up and return	
Use of Mobile Stage	\$1,070.00
\$700.00 (2 days @ 350.00 per day)	
\$70.00 in part-time staff time (5 hrs @ \$15.00)	
\$300.00 Towing (\$150 each way)	
Use of two EZ-Up shade structures	\$ no cost
Volunteer's pickup, set-up and return	

**Total from Recreation Services: \$ 2,180.00**

**Park Services**

Use of Football Public Address system	
Trash cans/ Garbage cans	
Field Prep and track dragging for event	
Water / irrigation turned off during event	
Restrooms opened and secured as needed	
Weekend Crew point of contact during the event	
Staffing (10 hours @ 40.00 per hr)	\$400.00
Use of sand for luminaries	
Use of two (2) John Deere tractors	\$200.00

**Total from Park Services: \$600.00**

**Fire Department**

Fire site/ event inspection & permits	\$204.00
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Site Plan and Review	
Provision of First Aid by Fire Aids during event	\$ no cost
Provide Safe House	\$50.00
\$50.00 Towing and fuel	
\$ 0 Volunteer Fire Aids	
Use of four MFD generators	\$ no cost
Picked up and delivered by volunteers	
Community Fire Aides supplies, food	\$250.00
Two (2) Emergency Medical Technicians	\$ no charge
<b>Total from Fire Department:</b>	<b>\$504.00</b>

Police Department

Officers to escort funds during the evening  
Police Command RV for banking  
Use of two (2) 10x 20 canopies

**Total from Police Department: \$300.00**

**Recommendation:** Approve Milpitas Relay for Life request for fee waiver and in-kind donation of equipment, supplies and staffing totaling \$ 3,584.00 for the June 24-25, 2005, Relay for Life event at the Milpitas Sports Center.

- \* 8. **Approve Submittal of a Grant Application to the Metropolitan Transportation Commission for the Regional Signal Retiming Program, 2005 Cycle (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The Metropolitan Transportation Commission (MTC) has issued a “call for projects” for the Regional Signal Timing Program (RSTP) 2005 Cycle. There are approximately 7,000 traffic signals in the Bay Area and the purpose of the RSTP program is to retime them at least once every five years, or about 700 traffic signals per year. MTC retains consultants to provide technical assistance to local jurisdictions for traffic signal coordination projects.

Staff is proposing to partner with Caltrans to submit an RSTP grant application to retime approximately 41 traffic signals throughout the City of Milpitas. Caltrans traffic signals to be retimed with this project include those along Calaveras Boulevard between the I-880 and Hill View Dr. The only City obligation associated with the grant is a minimal amount of staff time.

**Recommendation:** Approve submittal of a grant application to the Metropolitan Transportation Commission for the 2005 Cycle of Regional Signal Timing Program Grant.

**XIX. ORDINANCES (None)**

**XX. RESOLUTIONS**

9. **Adopt Resolution to Certify the Environmental Impact Report North Main Street Development Projects (Staff Contact: Dennis Carrington, 586-3275)**

**Background:** The North Main Street Development Projects EIR analyzed the following projects planned along North Main Street between Weller Lane and Carlo Street:

- a new community library incorporating the historic Milpitas Grammar School;
- senior housing project;
- Santa Clara Valley Health Center;
- two parking garages; and

- streetscape, and circulation improvements.

The Draft EIR was circulated for public review between October 18, 2004, and December 1, 2004. Comments were received from VTA, City of San Jose, State Department of Toxic Substances Control, PG&E, County of Santa Clara and the Santa Clara Valley Water District. The Final EIR responding to comments was circulated for review on December 22, 2004.

The EIR concluded that the North Main Street Development Projects would have significant and unavoidable traffic, air quality and cultural resource impacts. A Statement of Overriding Considerations describing the project's overriding public benefit is attached to the resolution provided in the Council's agenda packet.

**Recommendation:** Adopt the Resolution certifying the Environmental Impact Report, making CEQA findings, adopting the Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan.

## XXI. BIDS AND CONTRACTS

- \* 10. **Approve Contract Amendment For Allied-Barton Security Services, Inc. (Staff Contact: Eddie Lored, 586-2662)**

**Background:** Staff issued a request for proposals (RFP) for security services for the Civic Center in December 2002. Four contractors responded to the RFP and based on staff's recommendation a one-year contract with California Land Management (CLM) was presented to Council and approved on December 17, 2002. Over the course of the first year of service CLM failed to perform as per the specifications resulting in the termination of their contract. Staff then approached Allied Security, Inc. the second lowest bidder on the RFP, who agreed to provide services at the annual rates in their original bid. A contract was entered into on January 6, 2004, covering the period up to June 7, 2004, with two one-year renewal options. On August 4, 2004, Allied Security, Inc. merged with Barton Solutions to become Allied-Barton Security Services, Inc. and has continued to provide service since that time although no amendment was ever formalized to cover the name change and contract extension. With this Amendment No. 1 the contract will be brought into sync with the services provided through January 1, 2005, and approve funding for the remainder of the fiscal year ending June 30, 2005.

Funds are available in the Public Works Department operating budget for this contract.

**Recommendation:** Approve Amendment No. 1 to the Allied-Barton Security Services, Inc., contract for an amount not to exceed \$36,182.39, subject to approval as to form by the City Attorney.

- \* 11. **Approve Contract Amendment For Diversified Maintenance Services, Inc. (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On October 7, 2003, the city entered into a two (2) year contract with three (3) one (1) year renewal options with Diversified Maintenance Services, Inc. (DMS). Between June of 2004, and September of 2004, the City had a janitorial staff shortage, which DMS agreed to cover in addition to their regularly scheduled service. DMS then billed the City \$12,474.02 for the month of September 2004. However a review by Public Works Facilities staff determined that a billing error had been made which resulted in a credit to the City totaling \$2,398.90, which DMS has agreed to allow the City to deduct from the September invoice, thus making the total owed \$10,075.12. The previous Purchase Order (PO) #03190 for DMS for \$143,940.85 has a remaining balance of \$4,283.71, which Public Works Facilities staff requests be carried forward and applied to the September invoice thus making the remaining balance of the invoice (\$5,791.41) which Public Works Facilities requests be added to the DMS contract dated October 7, 2003 and issued as a change to the current PO #03556

**Recommendation:** Authorize the City Manager to execute Amendment No.1 to the current DMS contract to extend the contract amount by \$5,791.41, subject to approval as to form by the City Attorney.

**\* 12. Approve Plans and Specification and Authorize Advertising for Bid Proposals: Library Off-Site Utility Improvements (Project No. 8153) (Staff Contact: Steve Erickson, 586-3414)**

**Background:** Plans and specifications for phase 1 of this project have been prepared in accordance with the approved Capital Improvement Project (CIP). The purpose of this project is to provide for the relocation and construction of new underground sewer, water, and storm utilities required to support the new library which is to be located at the site of the historic grammar school on North Main Street. This phase 1 work constructs the utilities in Weller Lane, Winsor Street, and the City's parcel between Winsor and Main under the Route 237 overpass structures. To provide for vehicle and pedestrian safety during construction, Weller Lane at Main Street (east side) and Winsor Street south of the library site will be closed and gated. The Engineers estimated construction costs for this phase of the project is approximately \$870,000, and there are sufficient funds in the budget for this project. A copy of the plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

**Recommendation:**

1. Approve plan and specifications.
2. Authorize advertising for bid proposals for construction.

**\* 13. Approve Contract Change Order: Main Sewage Pump Station Demolition (Project No. 6079) (Staff Contact: Steve Erickson, 586-3414)**

**Background:** Council approved award of this project on September 21, 2004, to ICONCO Inc. This project involves demolition and removal of abandoned sewage treatment facilities at the City's Main Sewage Pump Station site at 1425 North McCarthy Boulevard. The work includes the demolition and removal of the abandoned chlorine contact basin, sludge basin, chlorine building, operations building, inactive utilities and appurtenances.

An abandoned digester tank structure was not included in the demolition contract because it was scheduled to be included in a later construction phase, depending on the outcome of the initial phase. Since all of the hazardous material removal and disposal work was completed without exhausting the project contingency, funds are now available in the project. Staff requested that the contractor submit a quote for demolition of the digester structure, including the testing, and disposal of water and sludge remaining digester tank structure. The quote for this 2nd phase of the work is based on time and materials and is not to exceed \$93,576.53, which is considered reasonable for the work involved. Staff recommends approval of a contract charge order to dispose of this additional tank.

**Recommendation:** Approve the contract change order in the amount not to exceed \$93,576.53 to ICONCO Inc., subject to approval as to form by the City Attorney.

**\* 14. Approve Amendment Agreement: RBF Consulting (Project No. 8149) (Staff Contact: Greg Armendariz, 586-3401)**

**Background:** The City has an active contract with RBF Consulting to provide environmental services relating to a variety of projects. On July 2, 2004, City Council amended the existing agreement with RBF to provide environmental clearance documents for the Milpitas Sports Center project. The project now requires updated environmental and traffic studies based on the Council approved circulation improvement concept.

A scope of services with RBF to update these studies in the amount not-to-exceed \$26,900.00 is proposed. There are sufficient funds in the project account and staff recommends approval of the agreement amendment.

**Recommendation:** Authorize the City Manager to execute the amendment agreement with RBF Consulting, in the amount of \$26,900.00, subject to approval as to form by the City Attorney.

**XXII. CLAIMS AND DEMANDS (None)**

**XXIV. ADJOURNMENT TO 6:00 P.M., JANUARY 11, 2005, FOR PLANNING COMMISSION INTERVIEWS**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, JANUARY 18, 2005, AT 7:00 P.M.**